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SUPREME COURT
STATE OF WASHINGTON

2008 MAR 24 P 12:19

NO. 81287-0

BY RONALD R. CARPENTER

SUPREME COURT OF THE STATE OF WASHINGTON

LISA BROWN, Washington State
Senator and Majority Leader of the
Washington State Senate,

Petitioner,

v.

BRAD OWEN, Lieutenant Governor of
the State of Washington,

Respondent.

ANSWER TO
PETITION AGAINST
STATE OFFICER

COMES NOW, the Honorable Brad Owen, Lieutenant Governor
of the State of Washington, by and through the undersigned counsel, and
in answer to the Petition Against State Officer filed in the above-captioned
matter, admits, denies, and alleges as follows:

I. ANSWER TO PETITION

This Answer is submitted pursuant to the Order of this Court
entered March 6, 2008. In this Section (I) of this Answer, each paragraph
responds to the corresponding numbered paragraph of the Petition.

A. Petitioner's Summary of Petition

1. Respondent admits that on February 29, 2008, the Senate
voted upon Senate Bill 6931 ("SB 6931") and that 25 of the 49 Senators

ORIGINAL

voted in favor of the bill. The Respondent further admits that Petitioner Brown cast her vote in favor of the bill.

2. Article II, Section 22, of the State Constitution provides, in pertinent part, "No bill shall become a law unless . . . a majority of the members elected to each house be recorded thereon as voting its favor." Legal conclusions need not be the subject of factual pleading, but Respondent denies the legal conclusions Petitioner draws from this constitutional provision.

3. Although legal conclusions need not be the subject of factual pleading, Respondent denies Petitioner's legal conclusion that Respondent was legally obligated to forward SB 6931 to the House of Representatives as if it had been properly passed by the Senate. Respondent further answers that the parliamentary function of the president of the Senate (the Lieutenant Governor) in ruling on points of order and with respect to the passage of bills is a discretionary rather than a ministerial function.

4. Respondent admits that, based upon RCW 43.135.035(1) and following a parliamentary ruling in which Respondent declined to declare RCW 43.135.035(1) invalid, Respondent did not forward SB 6931 to the House of Representatives because it did not receive a two-thirds vote.

5. Although legal conclusions need not be the subject of factual pleading, Respondent denies the legal conclusions set forth in Paragraph 5 of the Petition, including the existence of a justiciable controversy. Respondent denies that the constitutionality of the two-thirds vote requirement stated in RCW 43.135.035(1) is properly presented in this case. Additionally, Respondent denies that RCW 43.135.035(1) is unconstitutional.

6. Respondent admits that the 2008 session of the Washington Legislature ended on March 13, 2008. Respondent denies Petitioner's legal conclusion that RCW 43.135.035(1) is unconstitutional or that it amends the State Constitution.

7. Respondent denies Petitioner's legal conclusion that this Court should issue a writ of mandamus directing that SB 6931 be forwarded to the House of Representatives.

B. Parties

8. Respondent admits that Petitioner is an elected member of the Washington State Senate, where she serves as Majority Leader. Respondent also admits that Petitioner was one of 25 Senators to vote in favor of SB 6931. Respondent denies that Petitioner has complied with all conditions precedent to bring this action. Respondent further answers that the 2007 Permanent Rules of the Senate, Engrossed Senate Resolution

8601, permit Senators to appeal rulings of the President (the Lieutenant Governor) , and allow the Senate to determine whether the ruling of the President will stand as the judgment of the Senate. Neither Petitioner nor any other Senator made such an appeal with regard to Respondent's parliamentary ruling on SB 6931.

9. Respondent admits that Brad Owen is the elected Lieutenant Governor of the State of Washington, in which capacity he serves as President of the Senate. Respondent admits the further facts alleged in Paragraph 9 of the Petition.

C. Jurisdiction and Venue

10. Respondent denies that the Court has original jurisdiction of this action and denies that it is otherwise properly brought in this Court.

D. Petitioner's Notice

11. Respondent admits that on the Friday before this Petition was filed (on a Monday), Petitioner's counsel discussed this proposed action by telephone with one of the undersigned counsel, and that Petitioner's account of the conversation is accurate.

12. Respondent admits that the Respondent and the Attorney General received service of a copy of the Petition and of several other pleadings filed simultaneously with it, including a Motion for Accelerated Review. Respondent lacks sufficient information to admit or deny the

remaining allegations of Paragraph 12 of the Petition, in which Petitioner asserts that she provided copies of the Petition and other pleadings to various other individuals. On that basis, Respondent denies those allegations.

E. Petitioner's Asserted Claims

13. Respondent admits that the State Constitution establishes the fundamental structure of the State Government. Respondent denies that the Constitution includes any provision that renders RCW 43.135.035(1) invalid.

14. Respondent admits that the State Constitution contains provisions requiring a two-thirds majority vote of the members of one or both houses of the Legislature for various purposes.

15. Noting that points of law need not be the subject of factual pleading, Respondent denies Petitioner's characterization of Article II, Section 22 of the State Constitution. While Petitioner quotes the provision accurately, she errs in characterizing this provision as precluding a statute that requires the affirmative vote of more than a majority of the elected members to pass a bill.

16. Respondent admits that the State Constitution describes the manner in which the State Constitution can be amended, and that state statutes may not amend the Constitution. Respondent denies Petitioner's

implied conclusion of law that RCW 43.135.035(1) represents an attempt to amend or that it amends the State Constitution.

17. Petitioner correctly quotes, RCW 43.135.035(1), which provides in part that, “After July 1, 1995, any action or combination of actions by the legislature that raises taxes may be taken only if approved by a two-thirds vote of each house of the legislature.”

18. Respondent agrees with Petitioner’s description of the history of prior versions of RCW 43.135.035(1). The statute was originally enacted as part of Initiative 601 in 1993, and has been subsequently amended by the legislature. Laws of 1994, c. 2, § 4 (Initiative 601); Laws of 2005 c. 72, §§ 2, 5; Laws of 2006, c. 56, § 8. The voters again amended RCW 43.135.035(1) at the 2007 General Election, by enacting Initiative 960. Laws of 2008, c. 1, § 5. Respondent admits that the Petition challenges RCW 43.135.035(1) and otherwise denies Petitioner’s characterization of the nature of the challenge.

19. Noting that points of law need not be the subject of factual pleading, Respondent denies Petitioner’s characterization of the issue in this case as whether RCW 43.135.035(1) represents an attempt to amend Article II, Section 22, of the State Constitution. Respondent additionally answers that the constitutionality of RCW 43.135.035(1) is not properly

presented in this case and denies that the statute is inconsistent with the constitution.

20. Respondent admits that in *Walker v. Munro*, 124 Wn.2d 402, 879 P.2d 920 (1994), the Court was asked to hold RCW 43.135.035(1) unconstitutional, and declined to do so. Respondent otherwise denies Petitioner's legal characterization of the *Walker* decision, and denies that SB 6931 passed the legislature.

21. Respondent admits that in *Futurewise v. Reed*, 161 Wn.2d 407, 166 P.3d 708 (2007), the Court was asked to exclude Initiative 960 from the ballot in part on the basis of an argument that the two-thirds vote requirement of RCW 43.135.035(1) was unconstitutional, and that the Court declined to do so. Respondent otherwise denies the Petitioner's legal characterization of the *Futurewise* decision.

22. Respondent admits that a true and correct copy of SB 6931 is attached to the Petition. Respondent does not assert that SB 6931 would raise revenue in excess of the state expenditure limit under RCW 43.135.

23. Respondent admits that on February 29, 2008, the Senate voted upon SB 6931, with 25 out of 49 Senators voting in favor of it, and their votes were properly cast. Respondent denies Petitioner's legal conclusion that SB 6931 accordingly passed the Senate.

24. Respondent denies Petitioner's allegation of law that Respondent was obligated to forward SB 6931 to the House of Representatives. Exhibit D to the Petition is not the official record of Respondent's parliamentary ruling, and does not include the points of order to which it responds. That record was not available when the Petition was filed. Exhibit A to this Answer is a copy of the official Senate Journal prepared for the relevant date, February 29, 2008. See Article II, section 11 of the State Constitution. The points of order, parliamentary rulings, and vote on SB 6931 are recorded at pp. 6-7 and 10-11 of Exhibit A.

25. Respondent admits that determining the constitutionality of statutes is a judicial function. Respondent additionally answers that the Petition to this Court for a writ of mandamus challenging the parliamentary ruling of Respondent with respect to SB 6931 does not present a controversy within the jurisdiction of this Court concerning the constitutionality of RCW 43.135.035(1). Respondent accordingly denies that Petitioner's challenge to the constitutionality of RCW 43.135.035(1) is properly before this Court.

26. Paragraph 26 of the Petition sets forth an argument as to why Petitioner initially contended that this case must be resolved before the end of the 2008 Legislative session. Because this Court has already

ruled on this request, no response to this paragraph is necessary. To the extent that Paragraph 26 might be construed to state any allegation of fact that has not been rendered irrelevant by this Court's ruling on Petitioner's Motion to Accelerate Review, Respondent denies that allegation. Respondent additionally denies that Petitioner lacks a plain, speedy and adequate remedy in the ordinary course of law.

27. Paragraph 27 of the Petition sets forth Petitioner's request that this Court issue a writ of mandamus directing Respondent to forward SB 6931 to the House of Representatives. Respondent denies that such relief is appropriate.

28. Respondent denies that Petitioner had no plain, speedy or adequate remedy other than through mandamus, and denies that Petitioner's requested relief should be awarded.

II. AFFIRMATIVE DEFENSES

By way of further answer and affirmative defense, Respondent alleges as follows:

1. The Court lacks jurisdiction over the subject matter of this action;
2. This action is not justiciable;
3. The relief requested in this action is barred by the separation of powers doctrine;

4. The relief requested in this action is barred by the political question doctrine; and

5. The Petition fails to state a claim upon which relief can be granted.

III. REQUEST FOR RELIEF

Respondent respectfully requests relief as follows:

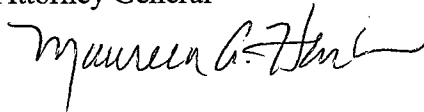
1. That this Petition be dismissed, and that no relief be granted to Petitioner;

2. That each party bear its own costs; and

3. For such other and further relief as this Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 24th day of March, 2008.

ROBERT M. MCKENNA
Attorney General



MAUREEN A. HART, WSBA #7831
Solicitor General

JEFFREY T. EVEN, WSBA #20367
Deputy Solicitor General

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PROOF OF SERVICE

I certify that I served a copy of the Answer to Petition Against State
Officer on all parties or their counsel of record on the date below as follows:

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I certify under penalty of perjury under the laws of the state of
Washington that the foregoing is true and correct.

DATED this 24th day of March, 2008, at Olympia, WA.



Rosemary Sampson, Legal Assistant

EXHIBIT A

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 29, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hewitt and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Elisa Swanson and Sarah Carlson, presented the Colors.

In lieu of the prayer The Seattle Total Experience Gospel Choir performed for the Senate.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

GOVERNMENTAL APPOINTMENTS
REPORTS OF STANDING COMMITTEES

February 28, 2008

SGA 9306 CLAUDE GRACE, reappointed on July 1, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 28, 2008

SGA 9328 M.A. LEONARD, appointed on July 1, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 28, 2008

SGA 9345 RAYMOND C RIECKERS, reappointed on July 19, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES

February 27, 2008

ESHB 1031 Prime Sponsor, Committee on Technology, Energy & Communications: Changing provisions concerning electronic devices. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 1115 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Creating programs to end homelessness. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Delvin.

Passed to Committee on Ways & Means.

February 27, 2008

2SHB 1273 Prime Sponsor, Committee on Insurance, Financial Services & Consumer Protection: Authorizing fraud alert networks. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

February 27, 2008

EBH 1283 Prime Sponsor, Representative Roach: Authorizing high school diplomas to be issued to persons who left high school before graduation to serve in the United States armed forces. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 1621 Prime Sponsor, Committee on Finance: Preserving manufactured/mobile home communities. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Ways & Means.

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

February 27, 2008

HB 2137 Prime Sponsor, Representative Wallace: Allowing school employees' children with disabilities to enroll in special services programs in the district where the employee is assigned. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2279 Prime Sponsor, Committee on Housing: Prohibiting discrimination against affordable housing developments. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2471 Prime Sponsor, Committee on Appropriations: Modifying the responsibilities of the Washington geological survey. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Stevens.

Passed to Committee on Ways & Means.

February 28, 2008

2SHB 2479 Prime Sponsor, Committee on Appropriations: Requiring subscribers' consent to disclosure of wireless phone numbers. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 27, 2008

EHB 2516 Prime Sponsor, Representative Green: Eliminating requirements for scoliosis screening in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

Passed to Committee on Rules for second reading.

February 27, 2008

2SHB 2523 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Creating the position of world language supervisor in the office of the superintendent of public

instruction. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Brandland.

Passed to Committee on Ways & Means.

February 28, 2008

2SHB 2597 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Requiring the department of early learning and the office of the superintendent of public instruction to develop a kindergarten entry assessment. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: Do not pass. Signed by Senator and Holmquist.

Passed to Committee on Ways & Means.

February 28, 2008

2SHB 2635 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Regarding school district boundaries and organization. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 2008

EHB 2641 Prime Sponsor, Representative Jarrett: Creating a pilot program to test performance agreements at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin; Berkey and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Schoesler.

Passed to Committee on Ways & Means.

February 28, 2008

SHB 2666 Prime Sponsor, Committee on Health Care & Wellness: Establishing standards for long-term care insurance. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 28, 2008

JOURNAL OF THE SENATE

3

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

E2SHB 2668 Prime Sponsor, Committee on Appropriations: Expanding programs for persons needing long-term care. (REVISED FOR ENGROSSED: Concerning long-term care.) Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

February 28, 2008

ESHB 2693 Prime Sponsor, Committee on Appropriations: Regarding training and certification of long-term care workers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

February 27, 2008

SHB 2775 Prime Sponsor, Committee on Appropriations: Regarding bonuses for instructional staff certified by the national board for professional teaching standards. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Brandland.

Passed to Committee on Ways & Means.

February 28, 2008

HB 2781 Prime Sponsor, Representative Wallace: Enhancing Washington state history and government course requirements for high school graduation. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2809 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Regarding mathematics and science teachers. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; McDermott; Oemig and Rasmussen.

Passed to Committee on Ways & Means.

February 27, 2008

SHB 2811 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Creating the healthy student grant

program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Holmquist

Passed to Committee on Ways & Means.

February 27, 2008

2SHB 2829 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Expanding financial literacy through education and counseling to promote greater homeownership security. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2859 Prime Sponsor, Committee on Health Care & Wellness: Establishing new requirements for licensing massage therapists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 2869 Prime Sponsor, Committee on Appropriations: Extending the national board for professional teaching standards bonus to certificated principals. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Ways & Means.

February 27, 2008

2SHB 2870 Prime Sponsor, Committee on Appropriations: Providing opportunities for professional development for instructional assistants. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; King; Brandland; Eide; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: Do not pass. Signed by Senator Tom, Vice Chair.

Passed to Committee on Ways & Means.

February 28, 2008

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

SHB 2879 Prime Sponsor, Committee on Technology, Energy & Communications: Modifying provisions regulating spyware. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2882 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Concerning the labeling of lead-containing products. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin and McCaslin.

Passed to Committee on Ways & Means.

February 27, 2008

SHB 2925 Prime Sponsor, Committee on Community & Economic Development & Trade: Establishing a plan for improving the effectiveness of the office of minority and women's business enterprises. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 27, 2008

EHB 2985 Prime Sponsor, Representative Liias: Establishing local public works assistance funds. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 3059 Prime Sponsor, Committee on Appropriations: Requiring coverage for lead blood level assessments. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

February 28, 2008

SHB 3071 Prime Sponsor, Committee on Housing: Harmonizing statutes that address the termination of condominiums. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and McCaslin.

Passed to Committee on Rules for second reading.

February 27, 2008

E2SHB 3115 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Concerning small business incubators. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 27, 2008

E2SHB 3125 Prime Sponsor, Committee on Capital Budget: Creating the building communities fund program. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Ways & Means.

February 28, 2008

HB 3141 Prime Sponsor, Representative Liias: Concerning sustainable residential weatherization for low-income households. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 3180 Prime Sponsor, Committee on Capital Budget: Addressing housing reform policies to achieve greater efficiencies in housing investments. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senator and Honeyford.

Passed to Committee on Ways & Means.

February 28, 2008

2SHB 3269 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Creating a roving early intervention specialist pilot program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair;

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

Eide; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King and Holmquist.

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 1115, Engrossed Second Substitute House Bill No. 1621 and Second Substitute House Bill No. 2869 which were referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6954 by Senators Jacobsen and Rasmussen

AN ACT Relating to meat and poultry inspection programs; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9263, James Garrison, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Spanel spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Hewitt, Pflug and Roach were excused.

APPOINTMENT OF JAMES GARRISON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9263, James Garrison as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9263, James Garrison as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following

vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Pflug - 2

Gubernatorial Appointment No. 9263, James Garrison, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9257, Tom Koenninger, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF TOM KOENNINGER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9257, Tom Koenninger as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9257, Tom Koenninger as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Pflug - 2

Gubernatorial Appointment No. 9257, Tom Koenninger, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8726

By Senators Shin, Holmquist, Kilmer, Brandland, McDermott, Berkey, Kohl-Welles, King, Schoesler, Delvin, Sheldon, Jacobsen, and Kastama

WHEREAS, Dr. Jerilyn S. McIntyre, the president of Central Washington University, will retire from the Office of the President on December 31, 2008; and

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

WHEREAS, Dr. McIntyre is the first woman to serve as the university's president, a post she assumed in July 2000; and

WHEREAS, Dr. McIntyre earned her Bachelor of Arts in History and Master of Arts in Journalism at Stanford University and received her Doctor of Philosophy in History and Communications from the University of Washington; and

WHEREAS, Dr. McIntyre served on the faculty at California State University at Chico, at the University of Iowa, and at the University of Utah, where she also served as vice president for academic affairs and as interim president; and

WHEREAS, Dr. McIntyre, CWU's 13th president, has led the university through a period of unprecedented growth in enrollment, which has increased 27 percent since 2001; and

WHEREAS, Dr. McIntyre has made diversity a priority, increasing the percentage of students of color from 12.9 percent in 2000 to 20 percent in fall 2007; and

WHEREAS, Dr. McIntyre established the Performing Arts and Presidential Speaker Series, which has brought nationally renowned speakers and artists to central Washington; and

WHEREAS, Dr. McIntyre's commitment to stewardship of public facilities has won national recognition, beautified CWU's residential and University Center campuses, and energized student life and enriched programs; and

WHEREAS, President McIntyre launched the university's first comprehensive fund-raising campaign, a 21 million dollar initiative that is nearly completed; and

WHEREAS, Funding associated with grants and research has tripled during President McIntyre's tenure;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate extend to Dr. Jerilyn S. McIntyre their sincere thanks for her service to the people of Washington and her work to expand educational opportunity for the citizens of our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Dr. Jerilyn S. McIntyre and the Board of Trustees of Central Washington University.

Senators Shin, Holmquist, King, Kohl-Welles, Parlette and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8726.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Jerily S. McIntyre, President of Central Washington University, her husband David Smith and Former State Senator Ann Anderson, Central Washington University's Director of Government Relations who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6423, by Senators Brown, Hewitt, Kohl-Welles and McAuliffe

Strengthening the tax credit and modifying the governing board of a Washington motion picture competitiveness program.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6423 was substituted for Senate Bill No. 6423 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Holmquist, Brown and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Haugen and McAuliffe were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6423.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6423 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and McAuliffe - 2

SUBSTITUTE SENATE BILL NO. 6423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6931, by Senators Kline, Weinstein and McDermott

Providing funding for additional emphasis patrols for DUI enforcement and chemical dependency treatment.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Carrell was excused.

POINT OF ORDER

Senator Sheldon: "Mr. President, I'd ask that you announce the number of votes necessary to pass Senate Bill No. 6931. Mr. President, Senate Bill No. 6931 imposes a liquor tax of forty-two cents per liter on all retail sales of certain spirits. The funds raised from this surcharge are allocated equally between funding additional DUI emphasis patrols and funding chemical dependency treatment. The moneys raised are deposited into certain funds including the general fund. Mr. President, this bill clearly imposes a tax, as the tax revenues will increase the monies flowing into the general fund. This constitutes 'raising taxes' as provided in Initiative 960. Under this Initiative the Legislature can only raise taxes if supported by a two-thirds vote

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

of each body. Mr. President, I request that you rule that a two-thirds super majority or thirty-three votes in support of this bill is required in order to pass Senate Bill No. 6931."

Initiative 960 will set future precedence and guidance for future rulings, therefore, it will take me some time to review this."

REMARKS BY THE PRESIDENT

President Owen: "Senator Sheldon, the President is going to take your question as or your request as a point of order. Senator Sheldon raises the point of order as to the number of votes necessary to pass Senate Bill No. 6931. Senator Brown."

REMARKS BY SENATOR BROWN

Senator Brown: "Thank you Mr. President. May I respond to Senator Sheldon's Point of Order? Thank you Mr. President. Mr. President I believe this Point of Order raises a dilemma and I'd like to elaborate on that a bit. Like you each of us took an oath when we took office, in part that oath requires us to follow the Constitution and laws of the United States and the state of Washington. Unfortunately, sometimes the laws and the Constitution conflict and I believe this is one of those times. Our state Constitution has a clear statement about the number of votes necessary to pass a bill. In Article II, Section 22 the Constitution states that 'no bill shall become a law unless on it's final passage, the vote be taken by yeas and nays, the names of the members voting for and against the same entered on the journal of each house and a majority of the members elected to each house be recorded thereon as voting in it's favor.' To me this provision is clear, a bill must receive a majority vote in order to pass. It does not state Mr. President that a super majority such as a two-thirds majority is required for certain types of bills such as bills that raise taxes. I would point out that the Constitution does have a super majority requirement in other circumstances. For example, the Constitution requires that sixty percent of the body must support an expansion of gambling in order for it to pass. I have no difficulty with following that. However, here we have a super majority requirement brought about by the passage of a law, a statute that does not amend the Constitution. We are a democracy except in unusual circumstances we allow decisions to be made by a majority. We pass laws and elect officials and decide bond measures based on a majority. And this is reflected in our Constitution, the Constitution that is superior to our laws. Mr. President, a two-thirds requirement to pass certain types of bills in my opinion is anti-democratic and violates the Washington Constitution. If this limitation stands I believe we are elevating the statutes which we can change every year over the Constitution which has stood largely unchanged for over a hundred years. The Constitution is difficult to change and it should be. It should remain superior to the statutes we pass each year and the supremacy of the Constitution can not be affected by any statute whether passed by the legislature or by initiative. Mr. President, I do not envy you having to make this decision. I know it is difficult one that you won't make easily. I stand ready to respect you regardless of the outcome. I would ask that you find against the point of order raised by Senator Sheldon."

REMARKS BY THE PRESIDENT

President Owen: "Thank you Senator Brown, the President is not prepared to rule on this as in many of the other cases on the number of votes that's pretty clear but because of the recent passage of Initiative 960 the President believes that each one of these decisions relative to numbers of votes when it pertains to

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6931 was deferred and the bill held its place on the third reading calendar.

Senator Franklin assumed the chair.

SECOND READING

SENATE BILL NO. 6626, by Senators Kilmer, Kastama, Rasmussen, Regala, Franklin, Marr, Carrell and Shin

Creating a sales and use tax deferral program for eligible investment projects in community empowerment zones.

MOTIONS

On motion of Senator Kilmer, Second Substitute Senate Bill No. 6626 was substituted for Senate Bill No. 6626 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Second Substitute Senate Bill No. 6626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6626.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6626 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hewitt - 1

SECOND SUBSTITUTE SENATE BILL NO. 6626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6828, by Senators Marr, Prentice, Zarelli, Schoesler, Hobbs, Kilmer, Shin and Rasmussen

Concerning the excise taxation of the aerospace industry.

MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 6828 was substituted for Senate Bill No. 6828 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6828 was advanced to third reading,

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

MOTION

On motion of Senator Hobbs, Senator Kilmer was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6828.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6828 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 44

Voting nay: Senators Fraser, Kline, Oemig and Weinstein - 4

Excused: Senator Hewitt - 1

SUBSTITUTE SENATE BILL NO. 6828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6111, by Senators Hobbs, Poulsen, Jacobsen and Tom

Concerning electricity generation from tidal and wave energy. Revised for 2nd Substitute: Creating a wave and tidal energy work group.

MOTION

On motion of Senator Hobbs, Second Substitute Senate Bill No. 6111 was substituted for Senate Bill No. 6111 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hobbs moved that the following amendment by Senator Hobbs and others be adopted.

On page 2, after line 28, insert the following:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment used directly in generating tidal or wave energy, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than five kilowatts of electricity and provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and section 3 of this act:

(a) "Machinery and equipment" has the same meaning as provided in RCW 82.08.02567.

(b) Machinery and equipment is "used directly" in generating electricity with tidal or wave energy if it provides any part of the process that captures the energy of the tidal or wave energy.

(3) This section expires June 30, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to machinery and equipment used directly in generating not less than five kilowatts of electricity using tidal or wave energy as the principal source of power, or to the use of labor and services rendered in respect to installing such machinery and equipment.

(2) The definitions in section 2 of this act apply to this section.

(3) This section expires June 30, 2018.

NEW SECTION. Sec. 4. A new section is added to chapter 82.16 RCW to read as follows:

(1) In computing tax under this chapter, an amount equal to the cost of production at the plant for consumption within the state of Washington of electrical energy produced or generated from tidal or wave energy is deducted from gross income.

(2) This section applies only to new facilities for the production or generation of energy from tidal or wave energy on which construction or installation is begun after January 1, 2008, and before January 1, 2018.

(3) Deductions under subsection (1) of this section are allowed for a period not to exceed thirty years after the project is placed in operation.

(4) The department of revenue, after consultation with the utilities and transportation commission in the case of investor-owned utilities and the governing bodies of locally regulated utilities, must determine the eligibility of individual projects and measures for deductions under this section."

Senator Hobbs spoke in favor of adoption of the amendment.

Senator Spanel spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hobbs and others on page 2, after line 28 to Second Substitute Senate Bill No. 6111.

The motion by Senator Hobbs carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "energy;" strike the remainder of the title and insert "adding a new section to chapter 43.31 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; and providing expiration dates."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008
No. 6111.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6111 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Kohl-Welles, Regala and Spanel - 3

Excused: Senator Hewitt - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6912, by Senators Haugen, Swecker, Berkey, McAuliffe, Marr, Kilmer, Rasmussen, Hargrove and Fraser

Providing property tax relief for senior citizens and persons retired by reason of physical disability by increasing the income thresholds.

The measure was read the second time.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Pflug, Stevens, Swecker and Zarelli be adopted.

On page 4, after line 5, insert the following:

"Sec. 2. RCW 84.36.383 and 2006 c 62 s 1 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" means a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use regulations. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water,

or other utilities. A mobile home located on land leased by the owner of the mobile home is subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) "Department" means the state department of revenue.

(4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse during the assessment year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions;

(b) The treatment or care of either person received in the home or in a nursing home, boarding home, or adult family home; ((and))

(c) Health care insurance premiums for health care coverage, including dental coverage, vision coverage, copayments, and for medicare under Title XVIII of the social security act;

(d) Durable medical equipment and mobility enhancing equipment, as defined in RCW 82.08.0283; and

(e) Long-term care insurance, as defined in RCW 48.84.020.

(5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

(7) "Disability" has the same meaning as provided in 42 U.S.C. Sec. 423(d)(1)(A) as amended prior to January 1, 2004, or such subsequent date as the director may provide by rule consistent with the purpose of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "84.36.381" insert ", 84.36.383,"

Senators Benton, Stevens, Schoesler and Pflug spoke in favor of adoption of the amendment.

Senators Pridemore, Spanel, Brown, Prentice and Marr spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF ORDER

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

Senator Benton: "Thank you Madam President, I do not believe this speaker is speaking to the amendment at all. He's speaking about a bill that's previously passed the body. I ask the President to ask the speaker to confine his remarks to the amendment."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Benton, Pflug, Stevens, Swecker and Zarelli on page 4, after line 5 to Senate Bill No. 6912.

MOTION

Senator Eide demanded that the previous question be put.

The President Pro Tempore declared that at least two additional senators joined the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was carried by voice vote.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Benton, Pflug, Stevens, Swecker and Zarelli and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Delvin, Haugen, Holmquist, Honeyford, Kastama, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Shin, Spanel, Tom and Weinstein - 26

Excused: Senator Hewitt - 1

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6912 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6912.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6912 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Franklin and Spanel - 2

Excused: Senator Hewitt - 1

SENATE BILL NO. 6912, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Eide moved that all the measures on the document named "Bills to be moved to the Rules "X" File be moved to the Rules "X" File.

NEED TO PUT THE LIST IN HERE

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

The President assumed the chair.

The Senate resumed consideration of Senate Bill No. 6931.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the inquiry raised by Senator Sheldon as to the application of Initiative Number 960 to Senate Bill 6931, as well as the point raised by Senator Brown as to the Constitutional duties of this body, the President finds and rules as follows.

The President begins by addressing the argument raised by Senator Brown as to a possible conflict between the Constitution and I-960 with respect to the number of votes required to pass a measure. The Constitution is the preeminent law of our state, and all other laws and rules applicable to this body are unquestionably subordinate to the Constitution. Nonetheless, the President has taken an oath to uphold all of the laws of our state and nation, including both Constitutional and statutory law. Whatever the merits of Senator Brown's legal argument—and the President is inclined to agree with her arguments—it is not for him to decide legal matters. Under our Constitutional framework of separation of powers, the authority for determining a legal conflict between the Constitution and a statute is clearly vested with the courts. It is for this reason that the President has a long-standing tradition of refraining from making legal determinations, and he does so, again, in this case. Senator Brown's arguments are cogent and persuasive, but the proper venue for these legal arguments is in the courts, not in a parliamentary body. For these reasons, the President believes he lacks any discretion to make such a ruling, and he explicitly rejects making any determination as to the Constitutionality of I-960 and instead is compelled to give its provisions the full force and effect he would give any other law.

Turning now to the issue raised by Senator Sheldon as to whether or not the surcharge imposed by this measure is a tax or a fee, the President takes note of his prior rulings and the plain language of I-960 in making this determination. In so doing, it is worth noting that I-960 includes a very broad definition of tax, covering 'any action or combination of actions by the legislature that increases state tax revenue deposited in any fund, budget, or account.' The President still believes that there is a distinction between a 'tax' and a 'fee,' just as there was under Initiative Number 601—indeed, I-960, itself, speaks of both taxes and fees. As a result, the President's earlier body of precedent for determining fees and taxes under I-601 is still instructive, albeit working within this tighter definition of 'tax'

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

set forth in I-960.

Harmonizing these past rulings with the specific language of I-960, the President believes that there must be a very close nexus between those paying a fee and the purpose for which that fee is being used; absent this tight connection, a revenue action is more properly characterized as a general tax, not a specific fee.

Applying this analysis to the measure before us, the President does find a connection between collecting a charge on liquor and spending the proceeds on increased drunk driving patrols and drug treatment, but he believes the nexus is not sufficiently direct under the tighter definition of I-960—that is, the connection between those paying the surcharge and the purposes for which it may be used is not narrow. The purposes are very noble and desirable, but they are not directly connected to those paying the surcharge: Many who pay the surcharge will benefit from increased patrols, but so will the general populace; likewise, almost all who pay the surcharge will not need drug treatment programs. Because the purposes for which the surcharge's proceeds will be spent are not specifically connected with those who will pay the surcharge, it should more properly be characterized as a tax, not a fee. For this reason, a super majority vote of this body—that is, 33 votes—is needed for final passage, and Senator Sheldon's point is well-taken."

The President declared the question before the Senate to be the final passage of Senate Bill No. 6931.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6931 and the bill failed to pass the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 1; Excused, 2.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 25

Voting nay: Senators Benton, Berkey, Carrell, Delvin, Haugen, Holmquist, Honeyford, Kastama, Kauffman, Kilmer, King, McCaslin, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Absent: Senator Morton - 1

Excused: Senators Brandland and Hewitt - 2

SENATE BILL NO. 6931, having not received the constitutional majority, was declared lost.

MOTION

At 12:24 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 6:00 p.m. by President Owen.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 27, 2008

ESHB 1030 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Enhancing the penalty for eluding a police vehicle. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

2008 REGULAR SESSION

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; Roach and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senator and McDermott.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 1142 Prime Sponsor, Representative Williams: Changing provisions regarding statutory costs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 1143 Prime Sponsor, Representative Lantz: Concerning notices of dishonor. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

2ESHB 1147 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning damage to livestock. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Hargrove; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 1296 Prime Sponsor, Representative Hunter: Regarding state purchasing of information technology projects. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 29, 2008

E2SHB 1332 Prime Sponsor, Committee on Appropriations: Addressing affordable housing development. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Jacobsen; Kilmer and Tom.

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

MINORITY recommendation: Do not pass. Signed by Senator and Honeyford.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 1534 Prime Sponsor, Committee on State Government & Tribal Affairs: Modifying provisions affecting candidates for elective office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 1545 Prime Sponsor, Representative Kirby: Providing industrial insurance benefits for life for the surviving spouses of law enforcement officers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 1597 Prime Sponsor, Committee on Commerce & Labor: Requiring plumbing, electrical, and conveyance workers to have licenses, certificates, or permits in their possession while working. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

3SHB 1741 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Transferring the oral history program from the secretary of state to the legislature. (REVISED FOR PASSED LEGISLATURE: Transferring the legislative oral history program from the secretary of state to the legislature.) Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 29, 2008

2008 REGULAR SESSION

HB 1775 Prime Sponsor, Representative Hinkle: Regarding crimes against livestock belonging to another person. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

E4SHB 1806 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Developing a model integrated pest management program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Hobbs; Holmquist; Kauffman; McDermott; Oemig and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 1836 Prime Sponsor, Representative Ericks: Requiring registered sex and kidnapping offenders to register after serving a term of confinement for a subsequent offense that is not a sex or kidnapping offense. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 29, 2008

2ESHB 2016 Prime Sponsor, Committee on Judiciary: Changing provisions pertaining to eminent domain. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2026 Prime Sponsor, Representative Santos: Regarding recruiter access to student records. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Hobbs; Holmquist; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Brandland.

Passed to Committee on Rules for second reading.

February 29, 2008

JOURNAL OF THE SENATE

13

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

ESHB 2143 Prime Sponsor, Committee on Select Committee on Environmental Health: Requiring the use of alternatives to lead wheel weights. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Hatfield and Holmquist.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2203 Prime Sponsor, Representative Blake: Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 2438 Prime Sponsor, Committee on Agriculture & Natural Resources: Making permanent a pilot project that allows for the use of dogs to hunt cougars. (REVISED FOR ENGROSSED: Extending a pilot project that allows for the use of dogs to hunt cougars.) Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Hargrove; Stevens and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Rockefeller.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2439 Prime Sponsor, Committee on Human Services: Requiring the governing authorities of facilities where convicted sex offenders are confined to determine the offender's immigration status and to release offenders subject to deportation into the custody of federal authorities or at a federal facility used to house persons awaiting deportation. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2444 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review:

Requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites they create or operate. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2449 Prime Sponsor, Committee on Appropriations: Providing collective bargaining for child care center directors and workers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2452 Prime Sponsor, Committee on Agriculture & Natural Resources: Creating a wildlife rehabilitation advisory committee. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 2468 Prime Sponsor, Committee on Appropriations: Authorizing the department of natural resources to establish an inventory, conduct an assessment, and develop recommendations to improve community and urban forest conditions in Washington state. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Stevens.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2472 Prime Sponsor, Committee on Ecology & Parks: Seeking to improve recreational opportunities on state-owned lands managed by the department of natural resources. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair;

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2474 Prime Sponsor, Committee on Health Care & Wellness: Modifying supervised experience requirements for social worker licenses. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 29, 2008

EHB 2476 Prime Sponsor, Representative McCoy: Authorizing tribal police officers to act as general authority Washington state peace officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell; Hargrove; McDermott and Weinstein.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 2487 Prime Sponsor, Committee on Judiciary: Concerning vulnerable adult protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 2514 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Protecting orca whales from the impacts from vessels. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller and Spanel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Stevens.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2525 Prime Sponsor, Committee on Agriculture & Natural Resources: Mitigating flood damage. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 29, 2008

E2SHB 2533 Prime Sponsor, Committee on Appropriations: Concerning attachments to utility poles of locally regulated utilities. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Fraser; Hatfield; Holmquist; Morton and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Regala.

Passed to Committee on Rules for second reading.

February 29, 2008

2SHB 2557 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Improving the operation of the trial courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 27, 2008

HB 2565 Prime Sponsor, Representative O'Brien: Including defendants who are persons specifically authorized to assist and act at the direction of law enforcement officers for the purpose of affirmative defenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2580 Prime Sponsor, Committee on Appropriations: Concerning paydates for employees participating in state active military duty. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline and Pridemore.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2595 Prime Sponsor, Committee on State Government & Tribal Affairs: Including national guard members in county veterans' assistance programs. Reported by Committee on Government Operations & Elections

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2602 Prime Sponsor, Committee on Commerce & Labor: Regarding employment leave for victims of domestic violence, sexual assault, or stalking. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2609 Prime Sponsor, Committee on Finance: Concerning the use of digital image technology in property revaluation plans. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2624 Prime Sponsor, Committee on Appropriations: Concerning human remains. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 2626 Prime Sponsor, Committee on Commerce & Labor: Studying options for suspending the waiting week for individuals who are unemployed because of an emergency or disaster. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2631 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Regarding the office of regulatory assistance. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 27, 2008

HB 2637 Prime Sponsor, Representative Pearson: Concerning records in a criminal case. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 29, 2008

SHB 2639 Prime Sponsor, Committee on Local Government: Regarding the procurement of renewable resources. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Hatfield; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 29, 2008

E2SHB 2647 Prime Sponsor, Committee on Appropriations: Regarding the children's safe products act. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Hatfield; Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2690 Prime Sponsor, Committee on Appropriations: Creating a mental health first aid course. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2699 Prime Sponsor, Representative Moeller: Recodifying RCW 19.48.130 as a section in the minimum wage act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2709 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Authorizing school districts to establish a price preference to purchase locally grown food. (REVISED FOR ENGROSSED: Exempting purchases of Washington grown food from school district competitive bid procedures.) Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 29, 2008

E2SHB 2712 Prime Sponsor, Committee on Appropriations: Concerning criminal street gangs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 2713 Prime Sponsor, Committee on Appropriations: Providing for broader collection of biological samples for the DNA identification of convicted sex offenders and other persons. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 2714 Prime Sponsor, Committee on Appropriations: Making failure to register as a sex offender a class B felony. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 2719 Prime Sponsor, Representative Priest: Ensuring that offenders receive accurate sentences. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

2008 REGULAR SESSION

February 29, 2008

SHB 2727 Prime Sponsor, Committee on Judiciary: Extending personality rights to deceased persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott and Weinstein.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Roach.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2728 Prime Sponsor, Representative Eddy: Requiring sex offender registration for misdemeanor and gross misdemeanor-level indecent exposure when there has been a finding of sexual motivation. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2740 Prime Sponsor, Representative Hudgins: Concerning private cemeteries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2756 Prime Sponsor, Committee on Appropriations: Logging the telephone calls of residents of the special commitment center. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 2758 Prime Sponsor, Committee on Technology, Energy & Communications: Adding products to the energy efficiency code. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Holmquist and Morton.

Passed to Committee on Rules for second reading.

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

February 29, 2008

HB 2762 Prime Sponsor, Representative Takko: Increasing the number of district court judges in Cowlitz county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 2774 Prime Sponsor, Representative Barlow: Making a false or misleading material statement that results in an Amber alert. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2778 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions concerning real estate licensure law. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King; Murray and Prentice.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Holmquist.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2779 Prime Sponsor, Committee on Agriculture & Natural Resources: Requiring a specialized forest products permit to sell raw or unprocessed huckleberries. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2780 Prime Sponsor, Representative Haigh: Regarding alternative public works contracting procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

17
2008 REGULAR SESSION

February 28, 2008

SHB 2788 Prime Sponsor, Committee on Agriculture & Natural Resources: Organizing definitions in Title 77 RCW. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 2791 Prime Sponsor, Representative Lantz: Concerning distressed property conveyances. (REVISED FOR PASSED LEGISLATURE: Concerning distressed home conveyances.) Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen; Jacobsen; Kilmer and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Honeyford.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2792 Prime Sponsor, Representative Wood: Relating to computing breaks in the parimutuel system. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 2807 Prime Sponsor, Committee on State Government & Tribal Affairs: Regarding the electronic submittal and publication of voters' pamphlet information. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 2818 Prime Sponsor, Committee on Select Committee on Environmental Health: Concerning the duties of the department of ecology's office of waste reduction and sustainable production. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Hatfield; Holmquist and Morton.

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 2822 Prime Sponsor, Committee on Appropriations: Concerning the family and juvenile court improvement program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2835 Prime Sponsor, Representative Kagi: Requiring federal name-based criminal history record checks when a child is placed in out-of-home care in an emergency situation. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 29, 2008

SHB 2836 Prime Sponsor, Committee on Judiciary: Protecting animals from perpetrators of domestic violence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 2844 Prime Sponsor, Committee on Appropriations: Regarding urban forestry. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Fraser; Hargrove; Rockefeller and Spanel.

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2848 Prime Sponsor, Committee on Housing: Concerning a voluntary contribution program for property owners taking the multifamily property tax exemption. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Jacobsen; Kilmer and Tom.

MINORITY recommendation: Do not pass. Signed by Senator and Honeyford.

Passed to Committee on Rules for second reading.

February 29, 2008

SHB 2858 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Expanding metal property provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 2864 Prime Sponsor, Committee on Commerce & Labor: Requiring the filing of certified payroll records on public works projects. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 27, 2008

ESHB 2884 Prime Sponsor, Committee on Education: Requiring policies on and limiting the use of mechanical, chemical, and physical restraint of students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senators King; Brandland and Holmquist.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2885 Prime Sponsor, Committee on Commerce & Labor: Modifying industrial insurance coverage for geoduck harvesters. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 29, 2008

2SHB 2903 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Creating an access coordinator for the administrative office of the courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by

JOURNAL OF THE SENATE

19

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 2955 Prime Sponsor, Representative Hunter: Ensuring access to criminal justice information. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2959 Prime Sponsor, Committee on Commerce & Labor: Concerning craft distilleries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2963 Prime Sponsor, Committee on Appropriations: Authorizing collective bargaining for Washington State University employees who are enrolled in academic programs. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 2986 Prime Sponsor, Committee on Finance: Concerning property tax collection and assessment. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Benton.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 2996 Prime Sponsor, Committee on Commerce & Labor: Requiring aversive agents in antifreeze products. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by

2008 REGULAR SESSION

Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 29, 2008

HB 2999 Prime Sponsor, Representative Hurst: Concerning the "chief for a day" program. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 3002 Prime Sponsor, Committee on Commerce & Labor: Applying arbitration to bargaining by the state and the Washington state patrol. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 3012 Prime Sponsor, Committee on Judiciary: Regarding estate distribution documents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 27, 2008

SHB 3103 Prime Sponsor, Committee on Education: Expanding the list of crimes that require dismissal or certificate revocation for school employees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Hobbs; Holmquist; McDermott; Oemig and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 3122 Prime Sponsor, Committee on Commerce & Labor: Consolidating, aligning, and clarifying exception tests for determination of independent contractor status under unemployment compensation and workers' compensation laws. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 29, 2008

E2SHB 3133 Prime Sponsor, Committee on Housing: Requiring a minimum of three years' notice on closures or conversions of mobile home parks and manufactured housing communities. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen; Kilmer and Tom.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 3139 Prime Sponsor, Committee on Appropriations: Providing for stays of industrial insurance orders on appeal. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Murray and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 3145 Prime Sponsor, Committee on Appropriations: Implementing a tiered classification system for foster parent licensing. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Marr and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Stevens; Brandland and Carrell.

Passed to Committee on Rules for second reading.

February 29, 2008

ESHB 3148 Prime Sponsor, Committee on Judiciary: Concerning firearm licenses for persons from other countries. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

2008 REGULAR SESSION

ESHB 3160 Prime Sponsor, Committee on Commerce & Labor: Addressing the availability of nutrition information. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 3161 Prime Sponsor, Representative Smith: Requiring certain sex offenders to pay the costs of electronic monitoring. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

ESHB 3166 Prime Sponsor, Committee on Education: Concerning the design of the state assessment system and the WASL. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King; Brandland; Holmquist and McDermott.

Passed to Committee on Rules for second reading.

February 28, 2008

E2SHB 3205 Prime Sponsor, Committee on Appropriations: Promoting the long-term well-being of children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Marr and McAuliffe.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 3220 Prime Sponsor, Representative Condotta: Allowing counties, cities, and towns to conduct raffles under certain terms and conditions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; King and Murray.

Passed to Committee on Rules for second reading.

February 29, 2008

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

2008 REGULAR SESSION

2SHB 3227 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Protecting the water quality in Hood Canal. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Honeyford; Fraser; Hatfield; Holmquist; Morton; Oemig and Pridemore.

Passed to Committee on Rules for second reading.

February 29, 2008

E2SHB 3254 Prime Sponsor, Committee on Transportation: Concerning accountability for persons driving under the influence of intoxicating liquor or drugs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 3255 Prime Sponsor, Committee on Commerce & Labor: Regarding workers' compensation coverage for work performed outside Washington. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 3274 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Audit Review: Addressing public contracting by public port districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and Pridemore.

Passed to Committee on Rules for second reading.

February 28, 2008

HB 3281 Prime Sponsor, Representative Seaquist: Requiring public notification of industrial development levies by port districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; Kline; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 28, 2008

SHB 3291 Prime Sponsor, Committee on Capital Budget: Enacting the community schools act of 2008. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senators Tom, Vice Chair; King; Brandland and Holmquist.

Passed to Committee on Rules for second reading.

February 27, 2008

EHB 3317 Prime Sponsor, Representative Hunter: Regarding standards and curriculum in mathematics and science. (REVISED FOR ENGROSSED: Regarding mathematics standards.) Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 2008

2SHB 3349 Prime Sponsor, Committee on Appropriations: Providing a review of the need for residential contractor licensing. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King; Murray and Prentice.

Passed to Committee on Rules for second reading.

February 29, 2008

HJM 4031 Prime Sponsor, Representative Santos: Requesting that Congress and the President demand Ethiopia fulfill its human rights obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

MOTION

On motion of Hatfield, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Third Substitute House Bill No. 1741, Engrossed House Bill No. 2143, Engrossed Substitute House Bill No. 2818, Substitute House Bill No. 2963 and Second Substitute House Bill No. 3274 which were referred to the Committee on Rules, Second Engrossed Substitute House Bill No. 2016 and Second Engrossed Substitute House Bill No. 3254 which were referred to the Committee on Transportation and Second Engrossed House Bill No. 1147 and House Bill No. 2835 which were referred to the Committee on Ways & Means.

MOTION

FORTY-SEVENTH DAY, FEBRUARY 29, 19, 2008

At 6:03 p.m., on motion of Senator Hatfield, the Senate
adjourned until 12:00 noon, Monday, March 3, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate